

Filed by:
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PROPOSED COUNSEL FOR KERA WATTS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	BANKRUPTCY NO.
	§	10-44537-DML-13
JEFFREY WATTS &	§	
KERA WATTS	§	CHAPTER 13
	§	
DEBTORS	§	Pre-Hearing date: January 31, 2014
	§	Pre-Hearing time: 9:00 A.M.

**MOTION TO VACATE DISMISSAL ORDER AND REINSTATE
DISMISSED CHAPTER 13 CASE**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Kera Watts (“Ms. Watts”) moves the Court to reinstate their Chapter 13 Case and in support of such Motion respectfully shows the Court as follows:

1.

This is a proceeding under Bankruptcy Rules 9023 and 9024, seeking relief, pursuant to Federal Rules of Civil Procedure 59 and 60 applicable to this proceeding pursuant to Federal Rule of Bankruptcy Procedure 9023 and 9024.

2.

This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334, and Miscellaneous Rule No. 33 of the Northern District of Texas contained in the Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc dated August 3, 1984. This is a core proceeding under 28 U.S.C. Section 157.

3.

Ms. Watts seeks relief from the Court's Order (Doc. No. 81) dismissing this case entered on December 19, 2013.

4.

This case was dismissed pursuant to an order of the Court entered on December 19, 2013, (Doc. No. 81) because the Debtors failed to file the following paperwork: 2012 Tax Return.

5.

Ms. Watts and her spouse are getting divorced and the alleged actions of her separated spouse have led to the filing of an adversary proceeding in this case.

6.

Ms. Watts would like to get this case reinstated so that she can sever her case from that of her separated spouse and then convert her case to Chapter 7.

7.

The failure to file this paperwork was due to mistake, inadvertence, surprise, excusable neglect or other reason justifying relief from the Order in that the circumstances described above led Ms. Watts to believe that the paperwork at issue had been dealt with.

8.

If required by the Court, the missing paperwork can be filed as soon as the case is reinstated.

WHEREFORE, PREMISES CONSIDERED, Ms. Watts prays that the Court set aside its Order Granting Trustee's Motion to Dismiss and grant them such other and further relief as to which they may be justly entitled.

Respectfully submitted,

By: /s/ Mark B. French
Mark B. French
State Bar No. 07440600

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NOTICE OF HEARING ON MOTION TO REINSTATE

ON JANUARY 31, 2014 AT 9:00 A.M. THE STANDING CHAPTER 13 TRUSTEE WILL HOLD A PRE-HEARING CONFERENCE REGARDING THIS MOTION. THIS PRE-HEARING CONFERENCE WILL TAKE PLACE AT THE OFFICE OF THE STANDING CHAPTER 13 TRUSTEE WHICH IS LOCATED AT 6851 N. E. LOOP 820 #300, FORT WORTH, TEXAS 76180. ALL OBJECTIONS TO THIS MOTION THAT ARE NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD ON 8:30 A.M. BEFORE THE BANKRUPTCY COURT. A CREDITOR OR PARTY IN INTEREST IS NOT REQUIRED TO ATTEND THE PRE-HEARING CONFERENCE OR THE HEARING ON THE MOTION UNLESS THEY HAVE AN OBJECTION TO THE MOTION.

ANY PARTY DESIRING TO OBJECT MUST FILE A WRITTEN OBJECTION AND APPEAR AT BOTH THE PRE-HEARING CONFERENCE AND THE HEARING ON THE MOTION. A COPY OF THE WRITTEN OBJECTION MUST BE SERVED ON THE STANDING CHAPTER 13 TRUSTEE AND THE APPLICANT AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE PRE-HEARING CONFERENCE.

CERTIFICATE OF SERVICE

I, Mark B. French, do hereby certify that a true and correct copy of the above and foregoing Motion to Reinstate Dismissed Chapter 13 Case was served on the date that the instrument was filed electronically. Service was accomplished electronically and/or by first class mail to the following:

Tim Truman
Chapter 13 Trustee
6851 N.E. Loop 820
Suite 300
Fort Worth, Texas 76180

William T. Neary
United States Trustee
1100 Commerce Street
Room 9-C-60
Dallas, Texas 75242

Jeffrey & Kera Watts
3417 Acorn Run
Fort Worth, TX 76109

and to the parties receiving notice through the Courts Electronic Filing system.

And the parties listed on the mailing list on file with the Court.

/s/ Mark B. French

Mark B. French